

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENVILLE

SNMP RESEARCH, INC. and SNMP
RESEARCH INTERNATIONAL, INC.,

Plaintiffs,

v.

BROADCOM INC.; BROCADE
COMMUNICATIONS SYSTEMS LLC; and
EXTREME NETWORKS, INC.

Defendants.

Case No. 3:20-cv-00451

**DEFENDANTS BROADCOM INC. AND BROCADE COMMUNICATIONS SYSTEMS
LLC’S JOINT MOTION TO DISMISS PLAINTIFFS’ COMPLAINT OR,
ALTERNATIVELY, TO TRANSFER VENUE**

Pursuant to Local Rule 7.1, Federal Rule of Civil Procedure 12(b)(2), Federal Rule of Civil Procedure 12(b)(3), Federal Rule of Civil Procedure 12(b)(6), 28 U.S.C. Section 1400(a), 28 U.S.C. Section 1406, 28 U.S.C. Section 1404, 17 U.S.C. Section 411, and 17 U.S.C. Section 301, Defendants Broadcom Inc. and Brocade Communications Systems LLC (“Defendants”), by and through counsel, respectfully move to dismiss this case or, alternatively, to transfer venue. Defendants move the Court to dismiss Plaintiffs’ Complaint for improper venue pursuant to Federal Rule of Civil Procedure 12(b)(3), 28 U.S.C. Section 1400(a), and 28 U.S.C. Section 1406, for lack of personal jurisdiction over Defendant Broadcom Inc. pursuant to Federal Rule of Civil Procedure 12(b)(2), and for failure to state a claim pursuant to Federal Rule of Civil

Procedure 12(b)(6), 17 U.S.C. Section 411, and 17 U.S.C. Section 301. Alternatively, Defendants move this Court to transfer this action under 28 U.S.C. Section 1406 or 28 U.S.C. Section 1404 to the United States District Court for the Northern District of California where all Defendants, including Extreme Networks, Inc., reside.

In support of its Motion, Defendants submit the accompanying Memorandum of Law, the Declaration of Mark Brazeal, and the Declaration of John Rondoni filed contemporaneously herewith. Pursuant to this Court's Order Governing Motions to Dismiss, the parties met and conferred on December 13 and December 18, 2020. Defendants request oral argument on this motion at the Court's earliest convenience.

Dated: December 22, 2020

HUESTON HENNIGAN LLP

By: /s/ Alison Plessman
Alison Plessman
Attorneys for Defendants
Broadcom Corporation
Brocade Communications Systems LLC